

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JIMMY (BILLY) McCLENDON, et al.,

*Plaintiffs,*

vs.

No. 6:95-CV-00024 JB/KBM

CITY OF ALBUQUERQUE, et al.,

*Defendants,*

vs.

E.M., R.L., W.A., D.J., P.S., and  
N.W. on behalf of themselves and  
all others similarly situated,

*Plaintiff-Intervenors.*

DECLARATION OF

Richard Clemente

Under 28 U.S.C. § 1746, I, Richard Clemente, declare

under penalty of perjury that the foregoing is true and correct and state as follows: On Monday, October 25, 2021 when the CO left, I heard yelling for help. The CO was gone one and a half or two hours. CO was covering 3 or 4 pods on Monday. We were locked down the Friday and Saturday before. Sunday we were out 2 1/2 hours. Monday we got out half an hour on swingshift. Lock downs are causing tensions. With no CO on pod it is dangerous. I'm having trouble sleeping. I keep hearing yelling.

Dated: 10/29/2021

Richard Clemente  
MDC Inmate  
Inmate No. 100 226051

**EXHIBIT 3**

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N.W. on behalf of themselves and  
all others similarly situated,

*Plaintiff-Intervenors.*

DECLARATION OF

George Yribe

Under 28 U.S.C. § 1746, I, George Yribe, declare

under penalty of perjury that the foregoing is true and correct and state as follows: Thursdays through Mondays usually locked down. If lucky get out 30 minutes a day. Tensions with cellmate when locked down so long. If a CO was posted could have been prevented. CO didn't do hourly check. Do not answer the call button. Me and cellmate pressed repeatedly and kicked door. Man calling "help," "help me!" I can't sleep. After they come in threaten us with bean bag guns. Day before victim tried to move out of cell, but was denied. mental health doesn't come in.

Dated: 10/29/2021

MDC Inmate

Inmate No.

100017335

IN THE UNITED STATES DISTRICT COURT  
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N.W. on behalf of themselves and  
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*Plaintiff-Intervenors.*

DECLARATION OF

Leo A Sandoval

Under 28 U.S.C. § 1746, I, Leo A Sandoval, declare

under penalty of perjury that the foregoing is true and correct and state as follows:

There was NO CO in pods, and on lock down  
every weekends. ← During The Incident and  
victims was asking to get moved But CO told Him:  
No

Dated: 10-29-21

Leo A Sandoval  
MDC Inmate  
Inmate No. 100147486

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N.W. on behalf of themselves and  
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*Plaintiff-Intervenors.*

DECLARATION OF

David Sanchez

Under 28 U.S.C. § 1746, I, David Sanchez, declare

under penalty of perjury that the foregoing is true and correct and state as follows: Lack of staff is causing physical and psychiatric incidents because locked down in cells. Between inmates in their cells, between each other due to lack of staffing. Time outs are restricted on the weekends. The incident on Monday, October 25, 2021, two people got into where no staff around. Fight broke out between the two and the incident turned fatal. Which could have been stopped if facility ran properly and COs at their desk/station.

Dated: 10/29/2021

  
MDC Inmate

Inmate No. 100141762

IN THE UNITED STATES DISTRICT COURT

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N.W. on behalf of themselves and  
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*Plaintiff-Intervenors.*

DECLARATION OF

Arsenio Mascarenas

Under 28 U.S.C. § 1746, I, Arsenio Mascarenas, declare

under penalty of perjury that the foregoing is true and correct and state as follows:

We're locked down every weekend. Now even from Thursday. Not fair to us. Locked down weekend before incident. Monday, Oct. 25, 2021 out for 30 min. in the morning. We were locked down when incident happened. NO CO on pod when it happened. Chow came in or would have been longer. CO came in with chow and found him.

Dated: 10/29/2021

  
MDC Inmate

Inmate No. 100190640

IN THE UNITED STATES DISTRICT COURT  
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DECLARATION OF

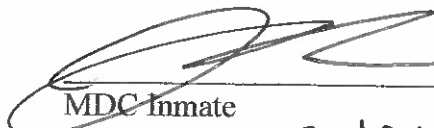
Jose Rivera

Under 28 U.S.C. § 1746, I, Jose Rivera, declare

under penalty of perjury that the foregoing is true and correct and state as follows:

They keep us locked down often Thursday to Monday. Being locked down impact mental health. Don't want to blow up and hurt anybody. COs leave pool, leave us alone 2-3 hours. Other day my cell flooded. Sat in water for 2 hours before a CO came. Call buttons, when we press they don't respond.

Dated: 10/29/2021

  
MDC Inmate  
Inmate No. 100140668

IN THE UNITED STATES DISTRICT COURT  
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DECLARATION OF

Jacob Steven Chavez J.R.

Under 28 U.S.C. § 1746, I, Jacob Steven Chavez J.R., declare

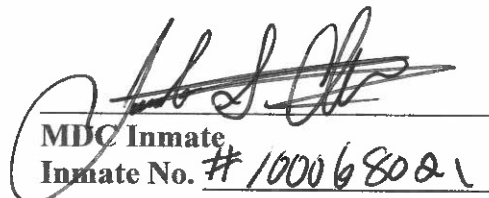
under penalty of perjury that the foregoing is true and correct and state as follows:

I have been incarcerated at MDC since June. 11. 2021.

During my incarceration there have been lockdowns (describe length, frequency)

almost every weekend, starting on thursday  
Sometimes. they sometimes let us out on  
Sunday for 30 mins to shower, and make phone  
call but then every one starts fighting over  
phone because there is not that many some  
thing with shower. Not all them work.

Dated: Oct. 29. 2021

  
MDC Inmate  
Inmate No. #100068021



During the weekend of October 22, 2021, I was locked in my cell on E-8 at MDC as follows

Friday Saturday. Locked down For 48 hrs  
then Sunday Locked down. only 30 min Shower/phone  
call.

On Monday, October 25, 2021


We come out on the morning Shift:  
Afternoon Shift. we got 30 mins bottom tear.  
30 mins. top tear.

I am concerned about

my Safty, well being. do to the fact, the Officer that  
was working in the pod. ~~later~~ did not come in the  
pod for over a hour +. When a inmate was geting  
beat to death. he was crying for help. then all ~~the~~  
I would here is a thumping Sound. then him crying  
for help. Some one, "HELP" "HELP" Please Help me.  
then i would here thumping Sound again. then  
the inmate crying out for help. Please Some one help me.  
Please. then after About 45 mins we heard Nothing  
officers come in to the pod 5:50pm. then the officer that  
was working the pod come in At 6:00pm. After the other officer  
was giving inmate C.P.R. I Am in fear, for my life here  
and Safty i keep having bad Dreams. cant sleep. Just remembering  
the Sound of the inmate geting beat. then seeing him taken out in  
the body bag all the blood.

Dated:

Oct 29. 2021

  
MDC Inmate  
Inmate No. #100068021



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N.W. on behalf of themselves and  
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*Plaintiff-Intervenors.*

DECLARATION OF

Christopher Lucero

Under 28 U.S.C. § 1746, I, Christopher Lucero, declare

under penalty of perjury that the foregoing is true and correct and state as follows:

I herd the Fighting going  
on for 1hr or more I min  
cell 20 the guys were  
Fighting in 2 No one  
came Back to help

Dated: 10-29-21

Chris Lucero

MDC Inmate

Inmate No. 100075273

With help For him or so  
then they came in with  
help For the help then  
They came to help it was  
way to late For them then  
I was Kicking the door  
pushing the call Button no  
help For a long time then  
You could see the man  
was dead need help  
No help For a long time  
I Prayed to God For  
him we prayed For him

Dated: 10-29-21

Chris Linder  
MDC Inmate  
Inmate No. 100075273

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DECLARATION OF

Dominic Bazar

Under 28 U.S.C. § 1746, I, Dominic A. Bazar, declare

under penalty of perjury that the foregoing is true and correct and state as follows:

OR We have been on exterious lockdown at the facility for way too long. This is cruel and unusual punishment we are going through extreme mental torguing and suffering for ~~over~~ atleast the last 6 months. We are on lockdown ~~for~~ every weekend Friday through Sunday and Sometimes Thursday and Monday. Even most Tuesdays and Wednesdays are subject to lockdown most weeks. Even worse our lives are in extreme danger facing the facts that there ~~is~~ are time periods where of over 1 hour where there is no C.O. in the pod or any type of emergency response system. People have died in this facility because of these irresponsible C.O.'s and facility system. Another man had almost died having seizures in ~~the~~ his cell while there was no C.O. in the pod.

Dated: 10/29/2021

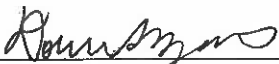
[Signature]

MDC Inmate

Inmate No. 100235308

There needs to be same type of emergency call system that actually works. The button inside the cell never succeeds in getting the attention of C.O.'s. I do not even believe they work at this point. On October 25<sup>th</sup> at about 6pm a man was killed in his cell over a time period of being beaten for over an hour and a half (1½ hours), without a single response or <sup>safety</sup> check by a C.O. and obviously either the camera system. We have had over 3 experiences just in this pod of ~~emergency~~ emergency situations where there was nothing we inmates could do to get help. Twice a man had a seizure while there was no C.O. response for over 30 minutes; and the response was not a response, it just so happened that the C.O. decided to do their duty for once and do a safety check. And this 3<sup>rd</sup> time a man died and was killed with officers in the same facility. Over an hour before any C.O. came in and found out there was a dead inmate. We are not in a third world country, this is County Jail in the United States of America. This is cruel and unusual mental punishment even to me, a convicted felon. Let alone someone who is being held as ~~an~~ <sup>or</sup> ~~innocent~~ suspect, but innocent. This is not justice.

Dated: 10/29/2021

  
MDC Inmate  
Inmate No. 188235309

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N.W. on behalf of themselves and  
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*Plaintiff-Intervenors.*

DECLARATION OF

JAMES MCKEE

Under 28 U.S.C. § 1746, I, JAMES MCKEE, declare

under penalty of perjury that the foregoing is true and correct and state as follows:

I AM KEEPING A LOG OF LOCKDOWNS.  
WHAT C/Os THAT ARE ASSIGNED TO POST.  
P.T.S.D. DUE TO A MURDER IN MY LIVING  
UNIT, THE CONDITIONS ARE HORRIBLE  
ESPECIALLY BEING LEFT ALONE WITHOUT  
SECURITY. IT LEAVES US IN DANGER.  
THE PERSON THAT LOST HIS LIFE BEGGED  
FOR HELP FOR A HOUR AT LEAST. HE COULD  
BE HEARD BY ALL OF US. IF THE C/O WAS  
ON HIS POST HE COULD HAVE HEARD HIM TOO.  
THE INNERCOMS IN OUR ROOMS WERE  
IGNORED ALSO. THIS IS NEGLIGENCE.

Dated: 10-29-21

James McKee  
MDC Inmate  
Inmate No. 100016494

Dated: 10-29-21

James McIlree  
MDC Inmate  
Inmate No. 100016494

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DECLARATION OF

Raymond Roberts III

Under 28 U.S.C. § 1746, I, Raymond Roberts III, declare

under penalty of perjury that the foregoing is true and correct and state as follows: Around lockdown for Echo-8 about 4:00pm 10-25-2021 the Corrections Officer Torres left our pod that was alone. In which 2 Inmates got into a confrontation, resulting in a dead inmate. But after he left about five minutes later the two inmates had their dispute, but all I could do was listen to one inmate yell for help until he couldn't talk anymore. I pressed a call button that would alert master control or the desk that is in the pod. The Inmate yelled out help me for about 30min to 45mins. Until there was no sound when medical or as I should say the C/O that came to hard out our meals. He came in and Cell #22 was calling the C/O to help out but he just walked to the front desk to let out the b.o.s when they came out a b.o. walked down to the

Dated: 10-29-2021

Raymond Roberts III

MDC Inmate

Inmate No. 100095897



Stairs, ~~the~~ ~~which~~ ~~is~~ ~~right~~ ~~in~~ ~~front~~ ~~of~~ ~~the~~ ~~stairs~~.  
 So I would say the subject called the B/O ~~because~~ because the  
 victim stopped yelling for help 5-10 minutes before. Then the  
 B/O called for the C/O. C/O came up to cell #22 ~~looked~~ looked into the  
 cell in which I could see victim on floor and the subject talking to C/O.  
 So the cell was full of blood. Leon C. had no response just laid on the  
 floor. C/O had the subject walk out of cell and talked to him for  
 a few minutes, then STG and fellow C/O's rushed in and ran upstairs.  
 They then handcuffed him brought him downstairs. Then they finally  
 got to Leon C. to perform C.P.R. The C/O pumped his chest ~~for~~  
 without blowing air into his lungs for about 5-7 mins before  
 they brought in a air pump. They brought in 3 tanks of air  
 which had 2 labels of white tags and one red tag. OR 2 Green tag  
 and 1 red tag. ~~They~~ They performed CPR on Leon for about  
 an hour, medical staff did take over for about 10 minutes then  
 called it quits. ~~A~~ C/O didn't leave Leon's side. he kept on ~~performing~~  
 performing C.P.R. until time was up.

Dated: 10-29-2021

Raymond Robert III

MDC Inmate

Inmate No. 100095897

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DECLARATION OF

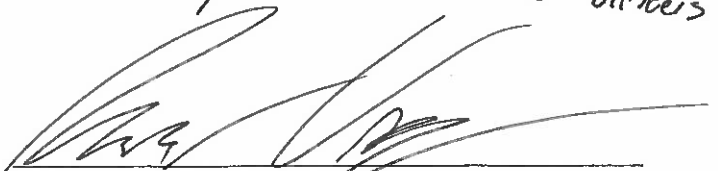
Antonio Vozza

Under 28 U.S.C. § 1746, I, Antonio Vozza, declare

under penalty of perjury that the foregoing is true and correct and state as follows:

At MPC us as inmates are locked down for 20+ hours a day, the incident this past monday was inevitable. We are neglected as inmates and our mental health is greatly neglected. The facility & country blame these things on Covid-19 but we are unlawfully detained & completely ignored by the system. I've been in this facility for 17 months & this isn't a long term facility. I've only been asking to be treated as if I'm innocent or proven guilty not vice versa. The inmate who was involved in the incident was displaying signs of failing mental health for a long time but the officers ignored our warnings at that.

Dated: 10/29/21

  
MDC Inmate  
Inmate No. 100264500